



February 1, 2005

SENATE BILL No. 442

DIGEST OF SB 442 (Updated January 31, 2005 11:21 am - DI 77)

Citations Affected: IC 14-37; IC 35-47.5.

Synopsis: Geophysical surveying and regulated explosives. Removes geophysical surveying from regulation by the natural resources commission and the department of natural resources. Specifies that the law defining the crime of recklessly violating a rule regarding the use of a regulated explosive does not apply to certain activities connected to near surface or subsurface use of regulated explosives associated with oil and natural gas. Makes conforming amendments.

Effective: Upon passage; July 1, 2005.

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January 13, 2005, read first time and referred to Committee on Natural Resources.
January 31, 2005, reported favorably — Do Pass.

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SB 442—LS 7534/DI 96+



February 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-37-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A permit, a bond, or
3 an alternative security for a permit issued for
4 (†) a well for oil and gas purposes ~~or~~
5 (2) ~~geophysical surveying~~;
6 in force after June 30, 1988, is governed by this article.
7 SECTION 2. IC 14-37-4-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A person may not
9 (†) drill, deepen, operate, or convert a well for oil and gas
10 purposes ~~or~~
11 (2) ~~conduct a geophysical survey~~;
12 without a permit issued by the department.
13 SECTION 3. IC 14-37-4-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. A permit for a well
15 for oil and gas purposes, other than a permit for a Class II well, ~~or~~
16 ~~geophysical survey~~, continues until:
17 (1) the well is plugged and abandoned;

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- (2) the well is converted to another type of well for oil and gas purposes; or
- (3) the permit is revoked.

SECTION 4. IC 14-37-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. ~~(a)~~ A permit for a well for oil and gas purposes expires one (1) year from the date of issuance unless the drilling of the well has commenced.

~~(b) A permit for geophysical surveying expires one (1) year from the date of issuance.~~

SECTION 5. IC 14-37-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. ~~(a)~~ The commission may require a person drilling or modifying a well for oil and gas purposes to furnish the following:

- (1) A copy of the driller's log and completion report of the well.
- (2) A copy of any geophysical or instrumental log.
- (3) Drill cuttings or cores.
- (4) Other information required by rule.

~~(b) The commission may require a person conducting a geophysical survey to furnish the following:~~

- ~~(1) A detailed description of the surveying technique used.~~
- ~~(2) A map identifying the exact location of all surveying operations.~~
- ~~(3) Other information required by rule.~~

SECTION 6. IC 35-47.5-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) This section does not apply to:

- (1) a person who is regulated under IC 14-34; or
- (2) near surface or subsurface use of regulated explosives associated with oil and natural gas:**
 - (A) exploration;**
 - (B) development;**
 - (C) production; or**
 - (D) abandonment activities or procedures.**

(b) The commission shall adopt rules under IC 4-22-2 to:

- (1) govern the use of a regulated explosive; and
- (2) establish requirements for the issuance of a license for the use of a regulated explosive.

(c) The commission shall include the following requirements in the rules adopted under subsection (b):

- (1) Relicensure every three (3) years after the initial issuance of a license.
- (2) Continuing education as a condition of relicensure.

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(3) An application for licensure or relicensure must be submitted to the office on forms approved by the commission.

(4) A fee for licensure and relicensure.

(5) Reciprocal recognition of a license for the use of a regulated explosive issued by another state if the licensure requirements of the other state are substantially similar to the licensure requirements established by the commission.

(d) A person may not use a regulated explosive unless the person has a license issued under this section for the use of a regulated explosive.

(e) The office shall carry out the licensing and relicensing program under the rules adopted by the commission.

(f) As used in this section, "regulated explosive" does not include either of the following:

(1) **Consumer** fireworks (as defined in ~~27 CFR 55.11~~; **27 CFR 555.11**).

(2) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 14-8-2-114; IC 14-37-3-14; IC 14-37-6-6; IC 14-37-8-17.

SECTION 8. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 442, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 442 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 8, Nays 0.

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